REMARKS

This amendment is in response to the Office Action mailed March 28, 2003.

Claims 11, 13-16 and 24 are rejected under 35 USC 102(b) as being anticipated by Hartley et al. (U.S. Patent No. 5,034,908). The Examiner's argument in supporting this rejection is set forth under 4. and 5. (page 4 of the Office Action). For brevity, only a summary of the argument is repeated. The entire argument can be reviewed, if required, at the pages stated above. It appears as if the Examiner compared elements of applicants' claim with the cited reference and concluded that the reference anticipates applicants' claim.

In response, applicants respectfully disagree with the Examiner's conclusion regarding the assertion that the Hartley et al. reference anticipates applicants' claim. In order for a reference to anticipate a claim every element recited in the claim must be found in a single reference[1].

A review of the Hartley et al. reference including the figures and section identified in the Office Action did not find a teaching of measuring misalignment between predetermined bit patterns of different groups of bit patterns and using the misalignment measurement to adjust the predefined bit patterns of different groups until said bit

[1]This is Hornbook Law with citation omitted but can be provided if required by the Examiner.

patterns are linearly aligned (claims 11 and 24). Because this portion of applicants' claim was not found or suggested in Hartley et al. claims 11 and 24 are not anticipated.

Likewise, claims 13-16 are not anticipated; because Hartley does not teach nor suggest an aligner that determines misalignment between groups of different parallel data streams and adjust the parallel data streams in at least one group relative to parallel data streams in another group to remove the misalignment therebetween. Because claims 14, 15 and 16 depend on claim 13 this feature of claim 13 is also included in the dependent claims. As a consequence, claims 13-16 are not anticipated by Hartley et al.

Claims 12 and 17-23 are rejected under 35 USC 103(a) as being unpatentable over Hartley et al. (U.S. Patent No. 5,034,908) in view of Pocrass (U.S. Patent No. 5,428,806). The Examiner's argument in supporting this rejection is set forth on page 5 of the Office Action.

In response to the rejection, applicants argue that it appears as if the Examiner has misconstrued the teaching of Hartley. In particular, applicants could not find any teaching of alignment correction relative to groups of parallel bits that the Examiner seems to suggest. As a result of this misconstruction it appears that the Examiner erroneously concluded that the combination of the Hartley reference and Pocrass reference render applicants' claim obvious.

It is applicants' contention that the Examiner's combination is improper in that there is no motivation suggested in the reference or concrete and logical reasons given by the Examiner as why an artisan viewing these two references, without hindsight based upon or gleaned from applicants' disclosure, would form the combination. It is

settled law that in order to form a combination that renders a claim obvious the motivation for the combination should be set forth in one of the references or the Examiner set forth concrete and logical reasons as to why an artisan would form the combination. Neither of the references nor the Examiner sets forth motivation for the combination. Therefore, the Examiner has not met his burden of proof to provide a prima facie case of obviousness. As a consequence the claims are patentable over the art of record.

In addition, applicants argue that even after the Examiner's combination the resulting reference would not render applicants' claim obvious. As argued above and incorporated herein by reference, Hartley is defective in that it fails to teach the alignment feature as set forth in applicants' claims. Claims 12 and 17-19 because of their dependency inherently include this limitation. Therefore, as to those claims the Examiner's combination does not render them obvious, since elements set forth above are omitted from the Examiner's combination.

Furthermore, applicants argue that claims 12 and 17-23 provide a novel structure not set forth in any of the cited references. The problem which applicants solve with this novel structure is set forth on page 26, lines 4-19, of applicants' specification. This problem is not recognized or suggested in any of the references. In fact, the Hartley reference relates to a filtering circuit. Therefore, this problem would quite likely not be a concern of Hartley. Anyway, the problem stated in applicants' specification is not mentioned or suggested or even recognized in any of the Examiner's references. It is applicants' contention that a novel structure coupled with solution of the problem not mentioned in any of the references are evidence of unobviousness. As a consequence, claims 12 and 17-23 are patentable over the art of record.

Regarding newly added claim 25, it too is patentable over the art of record for the reasons set forth above.

It is believed that the present amendment answers all the issues raised by the Examiner. Reconsideration is hereby requested and an early allowance of all the claims is solicited.

Respectfully Submitted,

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